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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Nobushige DOISAKI et al.**

Art Unit: **1655**

Application Number: **10/535,413**

Examiner: **Randall O. Winston**

Filed: **November 17, 2005**

Confirmation Number: **5903**

For: **COMPOSITION CONTAINING ORGANIC SUBSTANCE HAVING DOUBLE
BOND WITH IMPROVED OXIDATIVE STABILITY**

Attorney Docket Number: **052572**

Customer Number: **38834**

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop – Appeal Brief Patents

July 25, 2008

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief mailed July 23, 2008.

In the Notice of Non-Compliant Appeal Brief, the Appeal Brief filed on July 8, 2008 was deemed non-compliant with 37 CFR §41.37 because of improper headings and because the Appeal Brief fails to give the status of all the claims filed in the application.

In response to the Notification of Non-Compliant Appeal Brief, Applicants submit herewith an amended claims appendix in accordance with 37 CFR §41.37(d). The amended claims appendix corrects the items listed in the Notification of Non-Compliant Appeal Brief as not complying with the provisions of 37 CFR §41.37.

Application Number: 10/535,413
Art Unit: 1655

Response to Notification of Non-Compliant Appeal Brief
Attorney Docket No. 052572

If any additional fees are due in connection with this submission, please charge our
Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Sadao Kinashi". The signature is fluid and cursive, with the first name "Sadao" and last name "Kinashi" clearly distinguishable.

Sadao Kinashi

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Enclosures: Claims Appendix

(VIII) CLAIMS APPENDIX

1. (Rejected): A composition having oxidative stability comprising:

polyunsaturated fatty acid or its salt or ester,

an antioxidative sesame component which is purified from sesame or synthesized, and
ascorbic acid or an ascorbyl fatty acid ester.

2-3. (Cancelled).

4. (Withdrawn): A composition according to claim 1, wherein the poly unsaturated fatty acid contains at least one of eicosapentaenoic acid and docosahexaenoic acid.

5. (Rejected): A composition according to claim 1, wherein the ester of the poly unsaturated fatty acid is a triglyceride containing the poly unsaturated fatty acid as a constituent, or a lower alcohol ester of the poly unsaturated fatty acid.

6. (Rejected): A composition according to claim 1, wherein the ester of the poly unsaturated fatty acid is added in a form of refined fish oil.

7. (Rejected): A composition according to claim 1, wherein the antioxidative sesame component is at least one of the substances represented by peaks detected by high-performance liquid chromatography using an electrochemical detector at elution times of about 2.66, 3.40, 3.84, 4.57, 4.98, 5.82, 7.00, 8.67, 9.84, 11.24, 12.29, 12.49, 13.36, 14.04, 14.32, 14.74, 15.22, 15.60, 15.82, 16.34, 16.98, 18.10, 18.43, and 34.91 minutes.

8. (Rejected): A composition according to claim 1, wherein the antioxidative sesame

component is extracted from sesame, sesame oil, or sesame residue, using a solvent, a lipid, or an emulsifier singly or in combination.

9. (Rejected): A composition according to claim 1, wherein the antioxidative sesame component is at least one selected from the group consisting of sesamol, sesaminol, episesaminol, pinoresinol, epipinoresinol, syringaresinol, samine, sesamolinol, and 2,3-di(4'-hydroxy-3'-methoxybenzyl)-2-buten-4-olide.

10. (Rejected): A composition according to Claim 1, wherein the antioxidative sesame component is sesamol.

11. (Rejected): A composition according to Claim 1, wherein the antioxidative sesame component is extracted from sesame residue.

12. (Rejected): A composition according to Claim 11, wherein the antioxidative sesame component extracted from sesame residue is extraction using a solvent, a lipid, or an emulsifier singly or in combination.

13. (Rejected): A composition according to claim 1, wherein the ascorbyl fatty acid ester contains ascorbyl palmitate or ascorbyl stearate.

14. (Rejected): A composition according to claim 1, wherein the ascorbic acid or the ascorbyl fatty acid ester is contained in an excessive amount more than the amount soluble in the poly unsaturated fatty acid or its salt or ester.

15. (Rejected): A composition according to claim 14, wherein the excessive amount of

the ascorbic acid is in a powder or solid form.

16. (Rejected): A composition according to claim 1, further comprising tocopherol.

17. (Rejected): A composition as set forth in claim 1, wherein the composition is contained in a food.

18. (Rejected): A composition as set forth in claim 1, wherein the composition is contained in a powdered oil or fat.

19. (Rejected): A composition as set forth in claim 1, wherein the composition is contained in a powdered baby milk.

20. (Rejected): A composition as set forth in claim 1, wherein the composition is contained in a health food.